

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Chaves	Team: Squad #7	CCRB Case #: 201903508	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 09/25/2018 10:42 PM	Location of Incident: 5th Avenue and 82nd Street	Precinct: 68	18 Mo. SOL 3/25/2020	EO SOL 11/9/2020	
Date/Time CV Reported Tue, 04/02/2019 3:14 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 04/02/2019 3:14 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Joseph Power	16386	956180	068 PCT
2. POM Azeem Chatha	13036	957449	068 PCT
3. POM Justin Douglas	29998	956610	068 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Joseph Power	Abuse: Police Officer Joseph Power searched the vehicle in which § 87(2)(b) was an occupant.	
B.POM Azeem Chatha	Abuse: Police Officer Azeem Chatha frisked § 87(2)(b)	
C.POM Azeem Chatha	Abuse: Police Officer Azeem Chatha searched § 87(2)(b).	
§ 87(2)(g), § 87(4-b)		

Case Summary

On March 5, 2019, § 87(2)(b) filed this complaint with the CCRB over the telephone.

At approximately 10:42 p.m. on September 25, 2018, Police Officer Joseph Power, Police Officer Azeem Chatha, and Police Officer Justin Douglas of the 68th Precinct pulled over § 87(2)(b) for using a portable electronic device while driving his SUV in the vicinity of 5th Avenue and 82nd Street in Brooklyn. The officers had § 87(2)(b) step out of the SUV.

Police Officer Power allegedly began to search the SUV's interior as soon as § 87(2)(b) stepped out (**Allegation A: Abuse of Authority: Vehicle Search:** § 87(2)(g) Police Officer Chatha escorted § 87(2)(b) to the rear of the SUV, then allegedly frisked and searched him (**Allegation B: Abuse of Authority: Frisk:** § 87(2)(g) **Allegation C: Abuse of Authority: Search of Person:** § 87(2)(c)

The officers recovered a small quantity of heroin from § 87(2)(b)'s person, and found an alleged gravity knife inside the SUV. § 87(2)(b) was arrested and charged with § 87(2)(b)

The investigation obtained BWC video from all three officers. § 87(2)(g), § 87(4-b)

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Joseph Power searched the vehicle in which § 87(2)(b) was an occupant.

Allegation B – Abuse of Authority: Police Officer Azeem Chatha frisked § 87(2)(b).

Allegation C – Abuse of Authority: Police Officer Azeem Chatha searched § 87(2)(b).

§ 87(2)(b) was interviewed at the CCRB on April 2, 2019 (**Board Review 05**). Police Officer Power was interviewed on December 17, 2019 (**Board Review 06**). Police Officer Chatha and Police Officer Douglas were interviewed on December 26, 2019 (**Board Review 07, Board Review 08**).

It is undisputed that Police Officer Power, Police Officer Chatha, and Police Officer Douglas pulled § 87(2)(b) over after reportedly observing him commit a VTL infraction. The officers instructed § 87(2)(b) to step out of his SUV, and he complied. An officer searched § 87(2)(b)'s person and found two small bags of heroin or heroin residue in § 87(2)(b)'s front right pants pocket. At some point, an officer or officers began searching § 87(2)(b)

§ 87(2)(b)'s SUV.

In § 87(2)(b)'s account, the officers did not mention narcotics until he was already out of the car. Once he stepped out, Police Officer Power immediately opened the front passenger door and started searching the front passenger seat area. Shortly thereafter, Police Officer Chatha asked him to lift his hands, and § 87(2)(b) did so. Police Officer Chatha patted down § 87(2)(b)'s chest, waistband, back pockets, and groin. Police Officer Chatha also reached inside of § 87(2)(b)'s front and rear pants pockets, finding the empty heroin bags. As Police Officer Chatha frisked and searched § 87(2)(b) Police Officer Power searched the entirety of his SUV, including the front passenger seat, the driver's seat, in the center console, along the dashboard, in the glovebox (he opened it), the rear passenger area, the SUV's rear area, and a closed toolbox in the rear area.

In his interview, Police Officer Power stated that he did not recall where any of the officers specifically went as they approached § 87(2)(b)'s SUV, which officer took the lead in speaking to § 87(2)(b) or if § 87(2)(b) rolled his windows down.

Police Officer Power observed a tan, powdery substance in plain view that he believed to be heroin. He could not recall where this substance was located, and could not specify whether it was on § 87(2)(b)'s body or on one of the vehicle's interior surfaces. When asked to describe the quantity of powder, Police Officer Power described it as residue but could not further elaborate.

As of the incident, Police Officer Power had participated in approximately 25 to 30 arrests involving heroin and had no specialized narcotics training outside of the standard academy instruction. When asked what factors he was trained to look for to identify heroin, Police Officer Power listed its appearance as a tan, powdery substance (versus cocaine, which is white), the presence of powder on a suspect's body or nose, and if a suspect is sweating. In this incident, Police Officer Power could not recall if § 87(2)(b) was sweating and did not recall other behaviors or physical symptoms that seemed suspicious.

Besides the alleged heroin, Police Officer Power did not recall observing any other factors indicative of criminality during this time. Police Officer Power did not recall § 87(2)(b)'s demeanor, and did not recall observing any weapons or indications of weapons while § 87(2)(b) was inside the vehicle. Police Officer Power did not recall if any officer frisked § 87(2)(b) after he stepped out of the car.

An officer searched § 87(2)(b) and recovered the heroin bags from his person. Police Officer Power did not recall which officer conducted this search. The officer searched § 87(2)(b) based on the prior observation of heroin residue in plain view and no other factors. The officers did not search § 87(2)(b)'s vehicle at all before they found the heroin bags in his pocket. Once they found this contraband however, they searched the vehicle.

Police Officer Power prepared the arrest report for this incident (**Board Review 09**). The report narrative is consistent with Police Officer Power's CCRB statement.

In their interviews, both Police Officer Chatha and Police Officer Douglas were unable to recall any substantive details of this incident.

All three officers' BWC videos begin well after the FADO allegations are alleged to have occurred, and offer no insight into them.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

§ 87(4-b), § 87(2)(g) [Redacted text block]

[Redacted text block]

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Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to seven other CCRB complaints and has been named as a victim in 23 other allegations (**Board Review 11**).

[illegible]

- Police Officer Power has been a member of service for six years and has been a subject in six other CCRB complaints and 16 other allegations, none of which were substantiated.

§ 87(2)(g)

- Police Officer Chatha has been a member of service for five years and has been a subject in two other CCRB complaints and five other allegations, none of which were substantiated.

§ 87(2)(g)

- Police Officer Douglas has been a member of service for five years and has been a subject in three other CCRB complaints and six other allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- On May 8, 2019, this complaint was sent to mediation and on July 17, 2019, the complaint was returned to investigation as the complaint was no longer eligible for mediation.
- A request for any Notice of Claim filed regarding this incident has been submitted to the New York City Office of the Comptroller and the results will be added to the case file upon receipt.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]

Squad No.: 7

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
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Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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